

## **Bylaw No. 217-07**

A bylaw of the Summer Village of Ross Haven, in the Province of Alberta, regulating the parking of vehicles within the boundaries of the Summer Village.

**WHEREAS** the *Municipal Government Act*, R.S.A. 2000, C.M.26, as amended, and the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended, provide that a municipality may enact bylaws for the regulation and control of vehicle parking.

**AND WHEREAS** the Council of the Summer Village of Ross Haven deems it necessary and convenient to enact a bylaw regulating the parking of vehicles on highways and other areas within the boundaries of the Summer Village.

**NOW THEREFORE**, the Municipal Council of the Summer Village of Ross Haven, duly assembled, enacts as follows:

1. This bylaw shall be cited as the Summer Village of Ross Haven's "Parking Bylaw";
2. In this bylaw:
  - (a) "Commercial Vehicle" means any motor vehicle, trailer or truck tractor exceeding a maximum allowable weight of 5,500 kilograms used for the purposes of conducting a business activity but does not include any motor vehicle, trailer or truck tractor operated by or on behalf of the Summer Village of Ross Haven.
  - (b) "Heavy Vehicle" means a vehicle, with or without load, or a vehicle with a trailer attached exceeding any one of the following:
    - i. 11 meters in length;
    - ii. a maximum allowable weight of 5,500 kilograms;

but does not include Recreational Vehicles or Heavy Vehicles operated by or on behalf of the Summer Village of Ross Haven.

- (c) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes,
      - i. a sidewalk (including the boulevard portion of the sidewalk);
      - ii. if a ditch lies adjacent to and parallel with the roadway, the ditch, and;
      - iii. if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences or all the land between the fence and the edge of the roadway, as the case may be, but;
      - iv. does not include a place declared by the Lieutenant Governor in Council not to be a Highway.

- (d) “Manager” means the Chief Administrative Officer of the Summer Village, or his delegate.
- (e) “Owner” means any person registered as owner or renting a motor vehicle or having the exclusive use of it under a lease or otherwise for a period of more than 30 days;
- (f) “Parking Control Officer” means any person or persons appointed by the Summer Village Council to administer the provisions of this bylaw;
- (g) “Park”, when prohibited, means to allow a vehicle (whether occupied or not) to remain standing in one place, except:
  - i. when standing temporarily for the purpose of and while actually engaging in loading or unloading passengers or goods or performing a service, or;
  - ii. when standing in obedience to a Peace Officer or traffic control device.
- (h) “Peace Officer” means a member of the RCMP, a Parking Control Officer or Special Constable appointed pursuant to the provisions of Section 38 of the *Police Act*, R.S.A. 2000, Chapter P-17 and all amendments and successors thereto.
- (i) “Public Property” means property owned or under the care, control and management of the Summer Village but does not include Highways;
- (j) “Recreational Vehicle” means a vehicle or trailer that is designed, constructed and equipped either temporarily or permanently as a temporary accommodation for travel, vacation or recreational use and includes duly licensed travel trailers, motorized homes, sliding campers, chassis mounted campers, boats, all terrain vehicles, snowmobiles and tent trailers.
- (k) “Traffic Control Device” means any sign, signal, marking or device placed, marked or erected by the Summer Village under the authority of the Traffic Safety Act for the purposes of regulating traffic and parking;
- (l) “Trailer” means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and including any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include machinery or equipment used in the construction or maintenance of highways;
- (m) “Truck” means a vehicle designed primarily for the transportation of property or equipment but does not include a chassis cab, crawler mounted vehicle, trailer machinery or equipment used in the construction or maintenance of highways;

- (n) “Truck Tractor” means a truck that is designed primarily for drawing another vehicle and that is not designed to carry any load other than part of the weight of the vehicle drawn, and includes a vehicle that is designed to accommodate a 5th wheel coupling;
  - (o) “Vehicle” means a device in, or by which a person or thing may be transported or drawn on a highway, but does not include a mobility aid.
  - (p) “Violation Tag” means a ticket or similar document issued by the Summer Village pursuant to Part II of the *Provincial Offences Procedure Act*, R.S.A. 2000 c. P-34, and which requires payment in the amount specified in this bylaw or the *Traffic Safety Act* or the *Provincial Offences Procedures Act* or regulations thereto.
  - (q) “Violation Ticket” means a ticket issued pursuant to Part III of the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, as amended and regulations thereunder.
3. No owner or operator of a Commercial or Heavy Vehicle shall park or permit the Commercial or Heavy Vehicle to be parked in any area within the Summer Village other than in an area designated by a sign for such purposes unless a permit has been issued by an official of the Summer Village authorized to do so permitting the parking on such terms and conditions as may be contained within the permit.
  4. The provisions of Section 3 shall not prohibit Commercial or Heavy Vehicles from parking in any area within the Summer Village for the purpose of loading or unloading passengers or goods to or from premises within the Summer Village, provided that the Commercial or Heavy Vehicle shall have all front and rear hazard lights illuminated.
  5. No person shall park a vehicle on private property without the prior permission of the owner, tenant, occupant or person in charge of the private property.
  6. Notwithstanding the provisions of Section 5, parking of vehicles is permitted where parking spaces or a parking area have been provided for the parking of vehicles of persons who are customers or patrons of or otherwise doing business with the owner, tenant, occupant or person in charge of the private property.
  7. No person shall park a Recreational Vehicle anywhere in the Summer Village except on private property.
  8. No person shall park a vehicle in a parking space designated for exclusive use of disabled persons unless:

- (a) such vehicle has clearly display an identification placard, and is at that time being operated by or transporting the person to whom the identification placard has been issued; or
  - (b) such vehicle has a disabled parking license plate.
9. All persons owning or operating vehicles shall comply with all Traffic Control Devices authorized by this or any other bylaw of the Summer Village.
10. Unless required or permitted by this bylaw, by a permit issued by the Summer Village, by a Traffic Control Device, or in compliance with the direction of a Peace Officer, or to avoid conflict with other traffic, an owner or operator shall not stop or park his vehicle or permit his vehicle to be stopped or parked:
- (a) On a sidewalk;
  - (b) On a crosswalk or on part of a crosswalk;
  - (c) At an intersection nearer than 5 meters to the projection of the corner property line immediately ahead or immediately to the rear, except when his Vehicle is parked in the space where a Traffic Control Device indicates parking is permitted;
  - (d) Within 5 meters of any fire hydrant or when the hydrant is not located at the curb, within 5 meters of the point on the curb nearest the hydrant;
  - (e) At any place where a Traffic Control Device prohibits stopping or parking during the time stopping or parking is prohibited;
  - (f) Public Property
11. The Manager may authorize the placement, on or near a Roadway, of temporary signs that read “No Parking” or contain an international symbol that indicates “No Parking.” After such signs are placed on or near a Roadway, no Person shall park or leave a Vehicle in contravention of such sign.
12. Where a Traffic Control Device restricts the parking of Vehicles to a number of minutes or hours, no Person shall park or leave a Vehicle in excess of the time so designated and marked on the Traffic Control Device.
13. After the issuance of a Violation Ticket to a Vehicle for a violation of Section 12, if a Vehicle remains parked in excess of the time permitted on the Traffic Control Device for a further period, a second offence shall be deemed to have occurred.
14. Except as otherwise set out in this bylaw Council hereby delegates to the Manager the

authority to regulate and control the use of all Highways in the Summer Village as defined in this bylaw or the Traffic Safety Act. Examples of the authority to regulate and control include but are not limited to regulating and controlling access to and from Highways, and imposing local limits on Highways.

15. The Manager is hereby delegated the authority to prescribe where Traffic Control Devices, either permanent or temporary, are to be located including Traffic Control Devices restricting the speed of Vehicles.
16. Any Peace Officer is hereby authorized to remove or cause to be removed any Vehicle or trailer:
  - (a) parked or left at a standstill in contravention of this bylaw; or
  - (b) where emergency conditions may require such removal from a Highway.
17. Pursuant to Section 16 any Vehicle or trailer may be removed by a towing company contracted by the Summer Village to perform such services to a place designated by the Manager where it will remain impounded until claimed by the owner thereof or his authorized agent, but the said Vehicle or trailer shall not be released to the Owner or his authorized agent until the towing, storage and other reasonable costs of the Summer Village have been paid by the Owner.
18. Where a Vehicle, including any goods being carried by the Vehicle, is seized, immobilized, detained, removed, transported, or stored pursuant to the directions of a Peace Officer, all associated costs are a lien on the Vehicle unless otherwise provided for by the Traffic Safety Act.
19. Any Peace Officer, when enforcing the provisions of the Traffic Safety Act or this bylaw, may place an erasable chalk mark on tread of the tire of a parked or stopped Vehicle without that Person or the Summer Village incurring any liability for doing so.
20. No Person shall remove an erasable chalk mark placed under Section 18 while the vehicle remains parked in the location where it was marked.
21. Any person who contravenes any provision of this bylaw is guilty of an offense and is liable to a penalty of \$300.00.
22. A Parking Control Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Parking Control Officer has reasonable grounds to believe has contravened any provision of this bylaw.
23. A Violation Tag shall be deemed to be sufficiently served:

- (a) if served personally on the accused;
- (b) if mailed to the address of the registered owner of the vehicle concerned; or
- (c) attached or left upon the vehicle or property in respect of which the offence is alleged to have been committed.

24. Where a Violation Tag is issued pursuant to this bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offense, pay to the Summer Village the penalty specified in the Violation Tag.

25. In those cases where a Violation Tag has been issued and if the penalty is not paid within the prescribed time period, then a Parking Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part III of the Provincial Offenses Procedure Act, R.S.A. 2000 P-34.

26. Notwithstanding the previous paragraph of this bylaw, a Parking Control Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part III of the Provincial Offenses Procedure Act, R.S.A. 2000 P-34 to any person to whom the Parking Control Officer has reasonable grounds to believe has contravened any provisions of this bylaw.

27. Should any provision of this bylaw be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

28. Bylaw 177 is hereby repealed.

READ A FIRST TIME IN COUNCIL

THIS 11<sup>TH</sup> DAY OF DECEMBER, 2007.


READ A SECOND TIME IN COUNCIL


THIS 8<sup>TH</sup> DAY OF JANUARY, 2008

READ A THIRD TIME IN COUNCIL  
AND DULY PASSED

THIS 12<sup>TH</sup> DAY OF FEBRUARY, 2008.

  
\_\_\_\_\_  
Mayor Debra Oakley

  
\_\_\_\_\_  
DEPUTY-MAYOR  
SIM CHARRETTE

  
\_\_\_\_\_  
Municipal Administrator - Dennis Evans